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October 26, 2017

VIA E-MAIL

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1950
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,
Case No. 15-CV-5345 (AJN) (KHP)**

Dear Judge Parker:

Our firm represents Crossclaim Defendants Viktor Khrapunov and Ilyas Khrapunov (the “Khrapunovs”) in the above-referenced matter. We write to request that this Court lift the confidentiality designation from certain portions of the Kenges Rakishev’s deposition transcript so that these portions of Mr. Rakishev’s testimony may be provided to Ilyas Khrapunov’s UK lawyers and potentially used in litigation pending in the UK between BTA Bank and Mr. Khrapunov (JSC BTA Bank v. Ablyazov, Case No: CL-2015-000549). Mr. Rakishev is the chairman of BTA Bank, and portions of his deposition testimony [REDACTED]

Specifically, in its Particulars of Claim and other UK discovery documents, BTA alleged that it suffered damages in the amount of US \$950,000 as a result of its inability to enforce a judgment against an asset called Pyshma, which BTA alleges is linked to Crossclaim Defendant Mr. Ablyazov. In the UK, BTA has represented that “no recoveries have been made by the Bank or its agents” with respect to this asset (*see* Exhibit B, BTA Bank’s Response to Second Defendant’s Request for Further Information Under CPR Part 18 Dated 7 July 2017, pages 7-8). BTA further alleged that “the full value of Pyshma has been lost to it as a result of” Ilyas Khrapunov’s alleged illegal conduct. *Id.* at p.9, ¶ 5.1. [REDACTED]

[REDACTED] The value of Pyshma is estimated by Receivers in the UK action at a minimum of US \$70 million. *See* Ex. B, page 7.

Similarly, BTA represented in the UK litigation that it has not made any recoveries with respect to a second asset, called Marion Gardens, allegedly linked to Mr. Ablyazov, and that it does not have any information as to when any such recovery will occur. *See* Ex. B, page 12. [REDACTED]

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[REDACTED] The value of Marion Gardens is estimated by the Receivers in the UK action at between US \$14.8 million and US \$112.7 million. See Ex. B, page 11.

The Khrapunovs also seek to lift the confidentiality designation on testimony [REDACTED]
[REDACTED]

The Khrapunovs have narrowly tailored their requests and the cited testimony does not appear to contain any sensitive financial information or non-disclosed business plans that would justify confidentiality protection, [REDACTED]

[REDACTED].¹ The parties held a meet-and-confer phone call on October 19, 2017 to discuss the possibility of removing the confidentiality designation on these limited portions of the Rakishev deposition transcript but were unable to reach an agreement on the issue.

Respectfully submitted,

/s/ John J. Kenney

John J. Kenney

cc: All Counsel of Record (*by email*)

¹ We also note that the entire transcript has been posted on the internet, linked to a news article that explains, in Russian, that it was provided by a disgruntled employee of BTA Bank. Available at <http://ura-inform.com/ru/society/2017/10/26/sudebnyj-protsess-ob-otmyvanii-jakoby-pokhischennykh-v-kazakhstane-deneg> (last visited October 26, 2017).